

FIRST REGULAR SESSION

HOUSE BILL NO. 311

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE THOMSON.

0689L.031

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 137.565 and 233.180, RSMo, and to enact in lieu thereof two new sections relating to special road districts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 137.565 and 233.180, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 137.565 and 233.180, to read as follows:

137.565. **1. Except as provided in subsection 2 of this section,** whenever ten or more voters residing in any general or special road district in any county in this state shall petition the county commission of the county in which such district is located, asking that such commission submit the question in such district for the purpose of voting for or against the levy of the tax provided for in the second sentence of the first paragraph of section 12 of article X of the Constitution of Missouri, it shall be the duty of the county commission, upon the filing of such petition, to submit the question. The petition so filed shall set out the duration of the tax to be levied in a period of one, two, three, or four years and the ballot to be used for voting shall specify the number of years duration of the tax levy, but in no event shall the duration of the tax levy be for a period of more than four years. Such submission shall be made by an order entered of record setting forth the date and the rate of tax the commission will levy, which rate shall not exceed thirty-five cents on the hundred dollars assessed valuation on all taxable real and tangible personal property in the district.

2. In any road district that is located at least partially within a flood plain in any county of the third classification without a township form of government and with more than five thousand but fewer than six thousand inhabitants and with a city of the fourth classification with more than one thousand two hundred but fewer than one thousand

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **three hundred fifty inhabitants as the county seat, the question shall be submitted for a**
19 **vote upon a petition to the county commission as provided under subsection 1 of this**
20 **section by the lesser of:**

21 **(1) Ten or more voters residing within the road district; or**

22 **(2) A majority of the number of owners of property within the road district who**
23 **also live within the county or within any adjoining county.**

233.180. 1. **Except as provided in subdivision (1) of subsection 4 of this section,** at
2 the term of the county commission in which such order is made, or at any subsequent term
3 thereafter, the county commission shall appoint three commissioners of the special road district,
4 who shall be voters of the district and owners of land within the district, who shall hold their
5 office until the second Tuesday in April thereafter. The voters of the district shall elect three
6 commissioners of the special road district, one of whom shall serve one year, one for two years
7 and one for three years, and on municipal election days each year thereafter they shall elect a
8 commissioner of the special road district to take the place of the one whose term is about to
9 expire, who shall serve three years.

10 **2. Except as provided in subdivision (2) of subsection 4 of this section,** no person
11 shall be elected or appointed commissioner of the special road district who is not a voter of the
12 district. Any vacancy caused by resignation, death, removal from the district of a commissioner
13 of the special road district or sale of all land owned by [him] **the commissioner** in the district
14 shall be filled for the unexpired term by appointment by the remaining commissioners of the
15 special road district. All commissioners of the special road district shall qualify by taking,
16 subscribing and filing with the county clerk the oath prescribed by the constitution of this state,
17 and that they will faithfully, honestly and impartially discharge their duties as commissioners of
18 the special road district according to law.

19 **3.** If for any reason the board of commissioners of the special road district herein
20 mentioned shall fail to fill a vacancy or vacancies caused by the expiration of the term of any one
21 or more of the commissioners of the special road district, then the county commission is hereby
22 authorized and required to appoint a person to fill the vacancy.

23 **4. (1) In any road district that is located at least partially within a flood plain in**
24 **any county of the third classification without a township form of government and with**
25 **more than five thousand but fewer than six thousand inhabitants and with a city of the**
26 **fourth classification with more than one thousand two hundred but fewer than one**
27 **thousand three hundred fifty inhabitants as the county seat, a commissioner of the special**
28 **road district shall be a registered voter of this state, shall own land within the district, and**
29 **shall reside within the county or within an adjoining county.**

30 **(2) In any road district that is located at least partially within a flood plain in any**
31 **county of the third classification without a township form of government and with more**
32 **than five thousand but fewer than six thousand inhabitants and with a city of the fourth**
33 **classification with more than one thousand two hundred but fewer than one thousand**
34 **three hundred fifty inhabitants as the county seat, no person shall be elected or appointed**
35 **commissioner of the special road district unless such person is a registered voter of this**
36 **state, owns land within the district, and resides within the county or within an adjoining**
37 **county.**

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